IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No :4293 of 1998

Dated: 07.08.2007

Between:
1,Kanchi Venkata Subbamma and 2 others .. PETITIONERS

AND

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA
W.P.No.4293 of 1998

This writ petition is filed seeking quashing of the orders of respondents 1 and 2 in Memorandum No.247/JA.2/81-27 dated 27.01.1998 and Bd's B.P.Rt.No.1609/65 dated 06.05.1965 respectively and consequently sought for a direction to respondents to grant ryotwari patta to the petitioners under Section 11 (Proviso) of A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act 1948 in respect of the land to an extent of Ac.6.86 cents situated in Akkarampalli village, Tirupathi Rural Mandal, Chittoor District.

The case of the petitioners is that the lands in question are ryoti lands and they are lawful ryots in respect of the said lands. It is stated that one Pandraveti Subba Reddy, who became successor-in-title to the original Inamdars, inducted the husband of 1st petitioner and father of petitioners 2 and 3 into possession on 21.11.1948 by way of a registered Saswatha Patta. It is further stated that the petitioners filed a claim petition before the 2nd respondent for grant of ryotwari patta in respect of the lands in question and the same was rejected by order 06.05.1965. Against the said order, the petitioners also filed a revision petition before the 1st respondent and the same was dismissed by order dated 27.01.1998. Hence the writ petition.

Detailed Counter-affidavit has been filed by the 4th respondent.

Heard both sides.

The order passed in the revision petition reads as under::

> "The case was posted for hearing on 25.10.1997. The petitioners and their Counsel were absent. The Mandal Revenue Officer, Tirupathi, appeared on behalf of the respondents. The matter was heard and it is decided that there is no force in the contention raised by them in the revision petition and see no justification to interfere with the order passed by former Board of Revenue in the matter. The Revision Petition is accordingly dismissed".

Learned Counsel for the petitioners, Sri P.Krishna Reddy, in the affidavit filed in support of the writ petition categorically stated that he appeared before the Minister for Revenue on 25.10.1997 in the revision and advanced arguments on behalf of the petitioners herein. It is not disputed in the counter-affidavit filed by the 4th respondent-Mandal Revenue Officer. The impugned order also does not disclose any reasons for dismissing the revision. It simply states, "there is no force in the contention raised by them in the revision petition and see no justification to interfere with the order passed by the 2nd respondent and hence the revision petition is dismissed". Since the impugned order is not a speaking order, which is cryptic and there were no reasons recorded for dismissing the revision and although the petitioners' Counsel appeared before the revisional authority, the order states he was absent, the impugned order cannot be sustained and it is liable to be set aside.

The writ petition is accordingly allowed and the impugned order is set aside. The matter is remitted to the 1st respondent for fresh disposal in accordance with law. The 1st respondent is directed to pass a speaking order after hearing the Counsel for the parties. Till the revision is decided, the petitioners shall not be dispossessed from the lands in question. No costs.

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(GOPALA KRISHNA TAMADA, J)

07.08.2007
Gsn